IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.78856-M of 2006

DATE OF DECISION: DECEMBER 15, 2006

Pappu Masih

...PETITIONER

VERSUS

State of Haryana and others

...RESPONDENTS

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr.R.S.Cheema, Sr. Advocate
with Mr.Sumeet Goel, Advocate,
for the petitioner.

...

Petitioner Pappu Masih has filed this petition under Section 482 Cr.P.C. for quashing FIR No.998 dated 19.11.2006 registered under Sections 406/420/506/120-B IPC at Police Station Sadar, Gurgaon, District Gurgaon. The petitioner is seeking quashing of the aforesaid FIR on the ground that the allegations against him are false, frivolous and levelled mala fide at the instance of the complainant in connivance with the police.

I have heard the counsel for the petitioner and gone through the contents of the FIR.

In the FIR, it has been alleged that accused Ram Phal and Lal Chand had pretended to enter into an agreement with the complainant regarding sale of land of 2 bighas 1 biswas 15 biswasi situated in village Wazirabad, Tehsil and District Gurgaon. They extorted a sum of Rs.20.00 lacs as earnest money on the pretext that the said amount will be adjusted towards the sale consideration. After receiving the said amount with fraudulent intention, an agreement to sale was executed on 10.2.2006 and

possession of the land was also delivered to the complainant. As per the said agreement, the sale deed was to be executed on 10.6.2006. Since 10.6.2006 was a Saturday, therefore, the complainant reached in the office of Sub Registrar, Gurgaon on 12.6.2006 to get the sale deed registered, but the accused in a pre-planning failed to turn up to execute the sale deed in favour of the complainant. When the complainant contacted those accused, they not only refused to execute the sale deed, but threatened with dire consequences if they demanded the return of the earnest money. It has been alleged that those accused instead of returning the money, in collusion with petitioner Pappu Masih and Directors of M/s. Florentine Estate of India Limited, obtained no objection certificate from the authority. It has been alleged that all the accused in connivance with each other had played fraud with the complainant.

The aforesaid FIR has been registered on 19.11.2006. The investigation is still pending. The allegation that the petitioner in connivance with the other accused have committed an offence under Section 120-B IPC, is yet to be investigated by the police. Keeping in view the fact that the investigation is still pending against the petitioner, I do not find any ground to quash the aforesaid FIR at this stage.

Dismissed.

December 15, 2006 (SATISH KUMAR MITTAL)
vkg JUDGE